

OCTOBER 17, 2005

**RULE PROPOSALS**

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**DIVISION OF FIRE SAFETY**

Proposed Amendments: N.J.A.C. 5:10-28.1, 5:27-14.1 and 5:70-4.9

Hotels and Multiple Dwellings; Rooming and Boarding Houses; Uniform Fire Code

Carbon Monoxide Detectors; Smoke Detectors

Authorized By: Charles A. Richman, Acting Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-198, 55:13A-7.17 and 55:13B-4.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2005-374.

Submit written comments by: December 16, 2005 to:

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Chief, Legislative Analysis

Department of Community Affairs

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**The agency proposal follows:**

**Summary**

This proposal would amend the hotel and multiple dwelling rules, the rooming and boarding houses rules, and the Uniform Fire Code to require that visual type smoke detectors and carbon monoxide alarms be provided by multiple dwelling owners and rooming and boarding house licensees when requested by residents who are deaf or hearing impaired.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendments would have a positive social impact in that they would provide protection against death or injury by fire, smoke or carbon monoxide to residents who are deaf or hearing impaired and would not hear a conventional smoke or carbon monoxide alarm.

**Economic Impact**

Battery-powered combination carbon monoxide and smoke detectors with both sound and visual alarms are commercially available at a cost of about \$25.00 each.

**Federal Standards Statement**

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

**Jobs Impact**

The Department does not anticipate that any jobs will be created or lost as a result of these proposed amendments.

**Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments would have an impact on the agricultural industry.

### **Regulatory Flexibility Analysis**

Small businesses, as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., would, if they own multiple dwellings or rooming or boarding houses, be required to provide visual-type smoke and carbon monoxide alarms to any deaf or hearing impaired residents, just as any other similarly-situated owner who is not a "small business" would be required to do. The purpose of the proposed amendments is to protect the lives and safety of residents who are deaf or hearing impaired, and such persons are deserving of the same protection regardless of the size or form of organization of the entity owning the property.

The proposed amendments would not impose any reporting or recordkeeping requirements on "small businesses" and would not require them to hire any persons to perform professional services. The only compliance requirement would be to provide the alarms upon request of a tenant or resident who might require them due being deaf or hearing impaired or having another person residing in the unit who has such a disability.

### **Smart Growth Impact**

The Department does not expect that the proposed amendments would have any impact upon either achievement of smart growth or implementation of the State Development and Redevelopment Plan.

### **Full text of the proposal follows:**

#### **HOTELS AND MULTIPLE DWELLINGS**

##### **5:10-28.1 Carbon monoxide alarms**

- (a)-(b) (No change.)
- (c) At the request of a tenant of a multiple dwelling unit in which a person who is deaf or hearing-impaired resides, the owner shall provide a visual alarm type carbon monoxide detector for that unit.

#### **ROOMING AND BOARDING HOUSES**

##### **5:27-14.1 Carbon monoxide alarms**

- (a)-(b) (No change.)
- (c) At the request of a resident who is deaf or hearing-impaired, the owner shall provide a visual alarm type carbon monoxide detector for that resident's sleeping area.

#### **UNIFORM FIRE CODE**

##### **5:70-4.9 Automatic fire alarms**

- (a) An automatic fire alarm system shall be installed as required below in accordance with the New Jersey Uniform Construction Code.
- 1-2. (No change.)
- 3. In all buildings of Use Group R-2 as follows:
  - i.-vi. (No change.)
  - vii. At the request of a tenant of a unit in which a person who is deaf or hearing-impaired resides, the owner shall provide a visual alarm type smoke detector for that unit or, in the case of a rooming or boarding house resident, for that resident's sleeping area.
- 4.-8. (No change.)
- (b)-(c) (No change.)